

DONNA CURLING, *et al.*,

V.

BRAD RAFFENSPERGER, *et al.*,

CIVIL ACTION NO.
1:17-cv-2989-AT

On February 2, 2022, the Court authorized the parties to share an unredacted copy of the provisionally sealed expert report prepared by cybersecurity expert Dr. J. Alex Halderman with the United States Cybersecurity and Infrastructure Agency (“CISA”). (*See* Docs. 1307 and 1315.) After reviewing the unredacted report, CISA stated in a notice to the Court on February 10, 2022 that in its view, “premature disclosure of Dr. Halderman’s report, even in redacted form, could, in the event any vulnerabilities ultimately are identified, assist malicious actors and thereby undermine election security.” (Doc. 1314 at 1.) CISA then recommended that public disclosure of Dr. Halderman’s report, even in redacted form, should await the completion of its Coordinated Vulnerability Disclosure (“CVD”) process. (*Id.*)

The Court understood that CISA would make recommendations to the Court regarding appropriate redactions to Dr. Halderman's report after its review of the report and completion of the CVD process. In fact, one significant reason that the Court authorized disclosure of Dr. Halderman's report to CISA was to obtain the benefit of CISA's expertise in assessing what disclosures might jeopardize election security by providing information that would facilitate hacking of the system. Although CISA has now advised the Court that it has consulted with various state entities and issued an advisory regarding Dominion Voting Systems ImageCast X as part of the CVD process, (Doc. 1391), it has yet to provide the Court with its views regarding appropriate redactions to Dr. Halderman's report that would be warranted to ensure election security and protection from hacking.

At the Court's direction, Plaintiffs have now submitted their own proposed redactions to the Court.¹ Plaintiffs' proposed redactions are very limited in nature, and the Court remains concerned that they do not adequately address the Court's reservations. More specifically, the Court is concerned that if the report were disclosed in the form proposed by Plaintiffs and/or Defendants, it could potentially provide a roadmap for hacking to individuals or entities both foreign and domestic who may seek to exploit potential vulnerabilities in the State's election software.

Notably, CISA raised similar concerns in its February 10, 2022 notice to the Court. However, CISA has not yet endeavored to clarify for the Court whether it

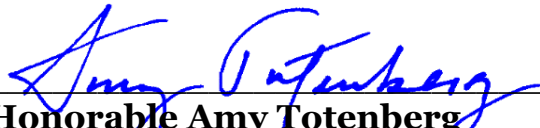
¹ Plaintiffs have requested that the report be filed on the public docket with their proposed redactions. In contrast, State Defendants have requested that the report be filed on the public docket in unredacted form.

believes that it would be appropriate to disclose Dr. Halderman's report in some redacted form, and if so, what portions of the report it believes should be redacted.

The Court therefore **DIRECTS** CISA to submit privileged and confidential redaction recommendations relative to Dr. Halderman's report by **July 22, 2022**. CISA's redaction recommendations should be submitted to the Court via email to the Court's Courtroom Deputy, Mr. Harry Martin.² Plaintiffs are **DIRECTED** to promptly share their own proposed redactions with CISA for its consideration.

Alternatively, if CISA's position is that the only information from Dr. Halderman's report that should be publicly disclosed is the information contained in CISA's public advisory, and that the report itself should remain under seal, CISA is directed to file a short brief explaining its position by **July 8, 2022**.

IT IS SO ORDERED this 24th day of June, 2022.



Honorable Amy Totenberg
United States District Judge

² Mr. Martin in turn will transmit these confidential recommendations to an attorney representative of each party. Additionally, Mr. Martin will file CISA's submission on the docket in sealed form, where it will be accessible only to the Court until the Court has reviewed the submission and ruled on the redaction matter.